

**UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE: RIGOBERTO HERNANDEZ
 VILMARY CARABALLO

CHAPTER 13

Debtor(s)

JACK N. ZAHAROPOULOS
CHAPTER 13 TRUSTEE
Movant

CASE NO: 1-24-01107-HWV

vs.
RIGOBERTO HERNANDEZ
VILMARY CARABALLO

Respondent(s)

TRUSTEE'S MOTION TO DISMISS CASE

AND NOW, on October 29, 2024, comes Jack N. Zaharopoulos, Standing Chapter 13 Trustee for the Middle District of Pennsylvania, through his attorney Douglas R. Roeder, Esquire, and respectfully represents the following:

1. An Amended Plan was filed on August 13, 2024.
2. A hearing was held and an Order was entered on September 25, 2024 directing that an amended plan be filed within thirty (30) days.
3. As of the date of this Motion, an amended plan has not been filed.
4. The delay in filing a confirmable plan in this case is prejudicial to creditors.

WHEREFORE, your Trustee respectfully requests your Honorable Court dismiss the case upon the basis that Debtors have failed to propose a confirmable plan.

Respectfully submitted,

/s/ Douglas R. Roeder, Esquire
Id: 80016
Attorney for Movant
Jack N. Zaharopoulos
Standing Chapter 13 Trustee
Suite A, 8125 Adams Drive
Hummelstown, PA 17036
Phone: 717-566-6097
email: droeder@pamd13trustee.com

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NOTICE

NOTICE IS HEREBY GIVEN that Jack N. Zaharopoulos, Standing Chapter 13 Trustee for the Middle District of Pennsylvania has filed a Motion to Dismiss for failure to file a confirmable Chapter 13 Plan.

YOU ARE HEREBY NOTICED that a hearing has been scheduled on this matter for:

Sylvia H. Rambo United States Courthouse
Bankruptcy Courtroom 4B
1501 North 6th Street
Harrisburg, PA 17102

Date: November 20, 2024

Time: 09:35 AM

Any objection or response filed must be filed with the Clerk, U.S. Bankruptcy Court and served on the Chapter 13 Trustee.

Date: October 29, 2024

/s/ Douglas R. Roeder, Esquire

Id: 80016

Attorney for Trustee

Jack N. Zaharopoulos

Standing Chapter 13 Trustee

Suite A, 8125 Adams Dr.

Hummelstown, PA 17036

Phone: (717) 566-6097

email: info@pamd13trustee.com

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CERTIFICATE OF SERVICE

I certify that I am more than 18 years of age and that on October 29, 2024, I served a copy of this Motion to Dismiss, Notice and Proposed Order on the following parties by 1st Class mail from Hummelstown, PA, unless served electronically.

Served electronically

KARA K GENDRON, ESQUIRE
MOTT & GENDRON LAW
125 STATE STREET
HARRISBURG, PA 17101

UNITED STATES TRUSTEE
1501 NORTH 6TH STREET
BOX 302
HARRISBURG, PA 17102

Served by 1st Class Mail

RIGOBERTO HERNANDEZ
2746 BLUE HEN COURT
HARRISBURG, PA 17112

I certify under penalty of perjury that the foregoing is true and correct.

Date: October 29, 2024

/s/ Vickie Williams

Office of Standing Chapter 13 Trustee
Jack N. Zaharopoulos
Suite A, 8125 Adams Dr.
Hummelstown, PA 17036
Phone: (717) 566-6097
email: info@pamd13trustee.com

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ORDER DISMISSING CASE

Upon consideration of the Trustee's Motion to Dismiss, it is hereby Ordered that the above-captioned bankruptcy be and hereby is dismissed. The Court retains jurisdiction to rule on any timely filed fee application.